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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 ERIC LANCE,

11 Plaintiff,

12 v.

13 WAYNE JUDGE et al.,

14 Defendants.
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CASE NO. C11-5365-RBL-JRC

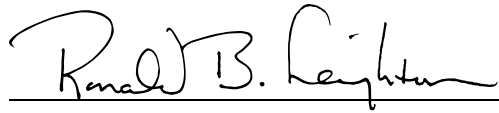
ORDER ADOPTING A REPORT
AND RECOMMENDATION

16 The Court having reviewed the Report and Recommendation of the Hon. J.
17 Richard Creatura, United States Magistrate Judge, objections to the Report and
18 Recommendation, if any, and the remaining record, does hereby find and Order:
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- 20 (1) The Court adopts the Report and Recommendation; and
21 (2) Plaintiff's motion for summary judgment is GRANTED IN PART
22 AND DENIED IN PART. Liability for damages regarding
23 defendant Judge's treatment of plaintiff after plaintiff's initial
24 reaction to the lavage procedure on February 6, 2009 is decided as a
matter of law in favor of plaintiff. The issue of the amount of
damages regarding this incident must be proven at trial. All other
portions of plaintiff's motion for summary judgment are denied.

1 (3) Defendants' cross motion for summary judgment is GRANTED IN
2 PART AND DENIED IN PART. As noted above, defendants'
3 motion regarding defendant Judge's treatment of plaintiff after
4 plaintiff's initial reaction to the lavage procedure on February 6,
5 2009 is denied. Also, issues of fact regarding the delay in receiving
6 dental treatment preclude summary judgment on this portion of the
Eighth Amendment Claim. The remaining claims are either without
merit or plaintiff has not named the proper defendant for those
claims. The defendant's cross motion for summary judgment on
these remaining claims is GRANTED.

7 DATED this 6th day of April, 2012.

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10 RONALD B. LEIGHTON
11 UNITED STATES DISTRICT JUDGE
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